

Message

From: Abboud, Merriam [abboud.merriam@epa.gov]
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U.S. News

<https://www.usnews.com/news/politics/articles/2019-06-05/epa-head-andrew-wheeler-wants-to-better-use-science-advisers>

EPA Head: We Will Consult More with Science Advisers

By Cecelia Smith-Schoenwalder 06/05/19 12:17PM

THE ENVIRONMENTAL Protection Agency needs to take better advantage of a group of experts meant to advise the agency's use of science, according to its leader.

EPA Administrator Andrew Wheeler said on Wednesday that the agency is starting a new process to fix how it uses the Science Advisory Board, a federal advisory committee that reviews the science the EPA uses to determine its regulations.

"We can and will do better," Wheeler told the board at its first gathering in a year. "We should be consulting you more."

Although he offered few details, Wheeler said the new process will address several topics of concern, including the timeliness of SAB reviews, more frequent SAB briefings on rulemaking proposals, increased transparency and improved inter-committee coordination

Wheeler has specifically taken flak for the agency's proposed science transparency rule, which would restrict the scientific studies that can be used in making regulatory decisions.

One member of the board questioned whether critical responses to the proposal gave Wheeler pause about the potential move.

He said he was surprised by the responses, but added that he is "not sure yet what that final product will look like."

Wheeler took Wednesday's meeting as an opportunity to continue his criticisms of the media from earlier this week. While addressing the National Press Club on Monday, he told reporters that they don't cover enough of the agency's achievements.

"The media does a disservice to the American public and sound policy making by not informing the progress we've made," Wheeler said on Monday.

On Wednesday he cautioned SAB members to not always believe what they see reported. And he accused two reporters with The New York Times of "colluding" with the Sierra Club after they shared a tweet containing a quote Wheeler said misrepresented his statements at the Monday event.

The makeup of the board has seen increased scrutiny since previous EPA administrator Scott Pruitt issued a 2017 directive barring scientists who have received grant money from the agency from serving on the advisory committee. Opponents of the move say it is an effort by the agency to get fewer scientists on the board and increase industry representation.

The National Resources Defense Council sued EPA on Monday over the directive, saying it would force NRDC members to give up grants or professional opportunities, Reuters reports.

Bloomberg Environment

EPA Probes Mexican Exports of Goods With Asbestos

<https://news.bloombergenvironment.com/environment-and-energy/epa-probes-mexican-exports-of-goods-with-asbestos>

By Pat Rizzuto

Two Mexican companies have assured the EPA they don't export asbestos-containing construction materials and oil field equipment into the U.S., according to recently posted agency information.

The firm Mexalit told the Environmental Protection Agency that it doesn't export cement products with the cancer-causing mineral to the United States. The company, headquartered in Morelos, makes fiber cement, roofing, and other construction materials.

Textiles Tecnicos told the EPA it does not export heat-resistant textiles, brake parts, or other products with asbestos to the U.S. The company is headquartered in Naucalpan.

The summaries, posted online June 4, are the first the agency has released that document its conversations with foreign export companies.

According to the EPA, sufficient levels of exposure to asbestos can lead to lung cancer and mesothelioma.

International and Domestic

The EPA has also met with U.S. companies on asbestos including American Friction, which specializes in braking materials; the Chemours Co., which makes titanium dioxide and other chemicals; and Occidental Chemical Corp., Olin Corp. and the Axiall Corp., owned by Westlake Chemical Corp.—all three of which produce chlorine and caustic soda. Those discussions focused on the companies' use of asbestos to make chemicals and oil field equipment brakes.

The EPA spoke with both Mexican companies as part of its research into whether ongoing uses of asbestos, including imported products, pose an unreasonable potential to injure people or the environment.

The agency's conversations preceded its April 25 final asbestos rule (RIN:2070-AK45). The rule addresses the possibility that companies could resume discontinued production or importation of asbestos-containing goods that aren't currently

made in the U.S. or imported. The rule requires companies to notify the agency ahead of time so it can review the risks of resuming manufacture or importation.

The EPA did not immediately reply to questions about why it sought such assurances from these particular companies, whether it is conducting border checks or other investigations, and whether it's contacting other importers.

Bloomberg Environment

EPA Science Advisers Meet Amid Questions on Their Role

<https://news.bloombergenvironment.com/environment-and-energy/epa-science-advisers-meet-amid-questions-on-their-role-50>

By Chuck McCutcheon

The EPA's Science Advisory Board meets today for the first time in a year amid numerous questions about its role.

- The panel of outside experts reviews the quality of scientific and technical information the EPA uses to develop its regulations. Over the next two days it will discuss agency issues ranging from proposed rules on science transparency and waters of the U.S., to fluorinated chemicals and carcinogen guidelines.
- EPA Administrator Andrew Wheeler is also expected to speak today. The panel has complained to Wheeler the agency was ignoring its own research while unwinding Obama-era environmental rules throttling emissions from automobiles, power plants, and oil wells, leading the administrator to promise to listen to its advice—to a point.
- The EPA also hasn't asked advisers to review changes to how it justifies the need for major air regulations.

Giant Arizona Mine's Fate Rests with Judge

A legal showdown between environmentalists and a Canadian mining company is coming to a head in Arizona over a \$1.9 billion copper mine, Stephen Lee writes.

Sun rays break through storm clouds in southern Arizona's Santa Rita Mountains.

Photographer: Wild Horizons/UIG via Getty Images

- Environmentalists fear the mine would permanently dry up scarce water resources and turn thousands of acres of southern Arizona mountain ranges and desert into an industrial wasteland. In response, Toronto-based Hudbay Minerals Inc. says it has spent millions of dollars making sure the mine wouldn't harm the environment.
- Any decision by U.S. District Judge James A. Soto is almost certain to be appealed to the U.S. Court of Appeals for the Ninth Circuit, mine opponents said.

Year's First House 'Minibus' Includes Energy, Water

House Democrats plan a vote next week on nearly \$1 trillion in fiscal 2020 discretionary funding, a five-bill "minibus" package that includes energy and water spending.

- Bloomberg Government's Adam M. Taylor has a detailed summary of the energy and water bill. The Energy Department, Army Corps of Engineers and other agencies would get a \$1.77 billion increase from fiscal 2019.
- The measure would reject White House proposals to eliminate funding for the Advanced Research Projects Agency-Energy and the Energy Department's loan guarantee programs; sell off the transmission assets of the four federal power marketing administrations (PMAs); and modify the laws governing the rates PMAs charge for electricity.

What Else We're Watching

- The House intelligence committee holds a rare public hearing on the national security impacts of climate change. Representatives from the Office of the Director of National Intelligence, Office of Naval Intelligence, and the State Department's Bureau of Intelligence and Research will testify.
- Four bills that would spur more research into ocean acidification and that originally had been scheduled for a House vote on Tuesday are now expected to come before the House today. The bills (H.R. 1237, H.R. 1716, H.R. 1921, H.R. 988) won unanimous approval last month from the House Science, Space and Technology Committee.
- The Energy Department and North American Young Generation In Nuclear hold a luncheon on pairing renewables and nuclear energy.
- The EPA's Wheeler plans to announce \$65 million in grants from the brownfields program, with the majority of recipients in non-urban areas. About 40 percent of the grant recipients are communities with populations under 10,000.
- The Senate energy committee considers the nomination of Robert Wallace to be Interior Department assistant secretary for fish and wildlife and parks.

Insights

We Must Save Our World From Drowning in Plastic

If nothing is done by 2050, the world's oceans will have more plastic in them than fish by weight, writes Maria Fernanda Espinosa Garces, president of the U.N. General Assembly. "We have the ability and resources to use alternatives to single-use plastics," she writes. "But this must come from all levels of society. And I believe that we at the U.N. must lead by example."

Inside EPA

<https://insideepa.com/daily-news/facing-opposition-epa-moves-quickly-cwa-section-401-guide>

EPA Seeks Unusual Advice From SAB On Planned Risk Guide Update

By Maria Hegstad 06/04/19

EPA is seeking unusual advice from individual members of its Science Advisory Board (SAB), most of whom were appointed by the Trump administration, on how to revise the agency's cancer and non-cancer risk assessment guidelines, asking a mixture of policy and scientific questions that appear to play to newer members' de-regulatory interests.

According to a [list of questions](#) the agency submitted to SAB ahead of its June 5-6 meeting, the agency is seeking to hold a "consultation" with its advisers on a variety of questions related to its planned revisions to its cancer and non-cancer guidelines.

"Are there particular aspects of existing Agency risk assessment guidance related to cancer and noncancer endpoints that individual SAB members recommend be revised or augmented to incorporate updated scientific information (based on your experience in usage, new information, or scientific advances)?" one of the questions asks.

In this case, EPA Administrator Andrew Wheeler recently directed the Risk Assessment Forum (RAF), an internal group of assessors from across the agency, to update the agency's 2005 cancer risk assessment

guidelines and to craft non-cancer risk assessment guidelines aimed at harmonizing risk assessment practices across the agency.

But EPA's questions to SAB on the revisions appear to mark a departure for how the agency usually interacts with the board. Typically, though not universally, EPA sends SAB charge questions for the formal review of specific work products. Examples include SAB's reviews of various toxicological assessments, an EPA white paper on a method for assessing risk of various asbestos fiber types or EPA white papers on components of economic analyses, such as whole economy modeling or value of a statistical life.

In addition, SAB's role is generally to provide EPA with consensus advice, following a formal review, usually in the form of a written report. While a handful of reports have included minority opinions, advisors in the past have been encouraged to seek to reach consensus in their advice to the agency, as it provides the agency with a stronger posture than recommendations from individual advisors. It is less common for EPA to seek views of individual SAB members.

But in this case, the agency is asking SAB a series of open-ended questions regarding what aspects of existing practice advisors recommend that EPA change, and how they should change them, with most of the questions addressed to individual advisors.

For example, EPA's series of questions to SAB on "how to describe confidence in hazard conclusions" could prove controversial. EPA asks SAB members for their "recommendations for better ways to characterize conclusions and uncertainties in a transparent way? Do SAB members have recommendations for better ways to analyze uncertainty, qualitatively or with quantitative analysis? What role should statistical analysis play in this characterization?" Are there methods SAB members recommend for better analyzing and communicating compounded uncertainty..."

Less Formal Interaction

One former EPA official says it is unclear from EPA's documents to SAB whether officials are seeking simply a "consultation" -- a less formal interaction -- from the SAB, or if the "consultation" is the precursor to a full SAB review.

In the past, the source says, "consultations" with SAB were conducted only when EPA officials sought to do a full review with SAB in the future. The purpose of a consultation with SAB is to gather "informal advice so when I do go back to get formal review, I have my ducks in a row," the source says.

The source is concerned that in this case, "a consultation could be used to make it appear SAB was involved and even approved something." But the source says a consultation is a conversation where EPA receives individual feedback, not a structured, consensus-based SAB review.

EPA's document states only that it "is interested in seeking consultation from the members of the SAB" regarding its planned update to its risk guideline. "As evident from the general questions above, EPA is seeking open-ended input and recommendations from SAB members and will consider all the input received to determine next steps for updating EPA guideline documents in a phased approach," the document says.

EPA spokespersons did not respond to a request seeking comment.

Regardless of how the agency chooses to proceed, the questions and advice it is seeking leave the door open for new SAB members -- appointed by Wheeler or former Administrator Scott Pruitt -- to advise the agency on their preferred deregulatory approaches.

SAB members have turned over more quickly in the Trump EPA, beginning with Pruitt, who decided not to renew the terms of any eligible Obama-era advisors.

In the past, SAB members have routinely served two consecutive three-year terms, but Pruitt broke with that practice. Membership turnover advanced further after Pruitt implemented a new policy barring any advisor from serving while receiving an EPA grant, effectively eliminating many academic candidates, and also seeking to increase geographic diversity and more inclusion of scientists with state agencies.

Trump EPA appointments have also included larger numbers of industry-affiliated scientists, including trade associations' staff and consultants. With a handful of Obama-era appointees remaining on the panel, the turnover of SAB membership increases the likelihood that SAB might struggle to reach consensus on some of the questions EPA is posing to SAB members.

EPA's document also appears to ask some questions that veer closely to the sometimes blurry line between science and policy that SAB is not supposed to cross. Wheeler reminded SAB of its role relating to policy recommendations in an April letter acquiescing to SAB review of just one of six pending rules SAB had asked to review last year.

Wheeler in that letter quotes from the handbook for SAB members, which states, "SAB may comment on the policy implications of scientific analyses but should not 'cross the line' into policy recommendations."

"The policy decisions that I and other EPA officials are responsible for making are informed by scientific considerations, including, where appropriate, advice from ... advisory bodies," Wheeler writes. "But, ultimately, in exercising the authority given to us by Congress, the EPA must take account of a wide range of considerations if the judgments we make and the actions we take within the proper range of that authority are to be reasonable, defensible and consistent with our responsibilities to the American people."

Among the questions EPA asks is, "[d]o SAB members have specific recommendations as to questions of importance to decision makers that are not being addressed by current risk assessments?"

EPA also asks SAB members for their views on whether "risk assessments are providing the information needed by risk managers and those estimating the benefits of potential decisions? If not, what do SAB members recommend might make hazard and dose response analyses more useful to decision makers? Should EPA's guidance direct staff to consider as part of the development of the assessment the questions decision makers need answered in the end use of the assessment?"

Groups Cite Risks to Bolster Standing To Target TSCA Evaluation Rule

By Maria Hegstad 06/04/19

Environmentalists and other groups challenging the Trump EPA's framework rule on how the agency evaluates existing chemicals under the revised toxics law say that ongoing risks from legacy and other uses of substances currently being assessed show that they have standing to challenge the rule's provision allowing the agency to preclude such uses from assessments.

In a [June 3 supplemental brief](#), the petitioners point to asbestos, 1,4-dioxane and HBCD -- all among the first 10 chemicals under evaluation under the revised Toxic Substances Control Act (TSCA) -- as examples to anchor their arguments that their members are suffering injuries as a result of the rule's provisions allowing the agency to preclude certain uses from evaluation.

"By unlawfully warping TSCA's requirements for risk evaluation and prioritization, EPA's Framework Rules injure Petitioners in two ways," the brief states. "First, the Rules ensure that EPA will systematically understate risk, making it more likely that EPA will fail to identify and regulate unsafe chemicals as Congress intended. This creates a material risk of harm to Petitioners' members' concrete interests in minimizing exposure to harmful chemicals."

"Second, the Rules will deprive Petitioners of information about chemical risks to which they are entitled under TSCA and need to reduce exposures to toxic chemicals."

The suit, *Safer Chemicals Healthy Families et al. v. U.S. EPA et al*, is litigation consolidated in the U.S. Court of Appeals for the 9th Circuit that challenges the Trump EPA's framework rules for evaluating risks of existing chemicals under TSCA and for prioritizing existing chemicals for future assessment and possible regulation

The petitioners are targeting language in the evaluation rule's preamble that says that EPA "may" narrow the scope of any evaluation in part by precluding consideration of substances' legacy uses, as well as uses already regulated by other EPA programs and other agencies.

The petitioners charged that such an approach is unlawful because the revised law requires the agency to assess all uses. As such, the litigation could determine how EPA implements the revised law, which provided significant new authority to the agency to address the tens of thousands of chemicals that were in commerce when the law was first enacted in 1976 but which were largely grandfathered from regulatory requirements

The issue is critical to the new law's implementation as it could determine whether EPA finds existing chemicals pose "unreasonable risk" and what uses the agency will regulate if it does.

But EPA argued it has discretion to limit its reviews of risks of such uses and that petitioners generally lack standing to challenge the preamble language in part because it is not a final action and because the petitioners suffer no injury as a result of the rule.

The petitioners' June 3 brief seeks to underline and clarify arguments made in court filings and at [May 16 oral arguments](#) before a three-judge for the 9th Circuit in Seattle.

The judges appeared to agree with EPA lawyers that environmentalists generally lack standing to challenge the evaluation rule but they left the door open to sue over officials' decision to preclude legacy uses from any evaluation.

Hours after concluding the hearing, the judges [released an order](#) directing petitioners to file "a supplemental brief addressing the Article III justiciability of each issue raised in the Petition for Review." The order further requires EPA to respond 14 days later. The order seeks to clarify a series of concerns the judges raised at oral argument over petitioners' standing to sue and the ripeness of their case.

Scoping Documents

While EPA has yet to release draft assessments for any of the three named substances, petitioners cite scoping documents EPA released in 2018 describing their plans of how they will assess the chemicals. They use asbestos as an example of their argument that EPA's rule unlawfully excludes consideration of legacy uses of a chemical to which members of the United Steelworkers (USW) are exposed.

"The injury to Petitioners' members, who are currently exposed to asbestos from ongoing 'legacy' uses and disposals, is not speculative. Asbestos is well known to cause mesothelioma and other cancers. And although the manufacture of many asbestos-containing products has been discontinued, these products remain in use in factories, gaskets, and commercial and residential buildings," the brief says.

It notes that members of USW are exposed to asbestos through these 'legacy' activities, "but EPA is excluding these uses from the risk evaluation, as the Rules require. As a result, EPA cannot account for the ongoing exposures these excluded uses cause when determining whether asbestos's risks are 'unreasonable' and thus require regulation."

In addition to asbestos, the petitioners also cite planning and scoping documents for EPA's ongoing evaluation of 1,4 dioxane to argue that EPA's evaluation rule unlawfully allows the agency to exclude any conditions of use from the scope of the assessment.

"In EPA's current evaluation of 1,4-dioxane, its byproduct form 'is excluded from the scope,' notwithstanding EPA's recognition that production and use of the byproduct constitute 'conditions of use,'" they write.

But they note that under the evaluation rule, "EPA will evaluate only those conditions of use 'within the scope of the risk evaluation.' ... EPA's exclusions from the 1,4-dioxane evaluation will 'necessarily lead to an incomplete analysis of risk,' preventing EPA from accurately determining whether the chemical poses an unreasonable risk, and precluding EPA from regulating any byproduct that contributes to unreasonable risk."

The brief also uses the example of the flame retardant HBCD to argue EPA's risk evaluation rule improperly allows the agency to consider each use but not the combined exposures of all uses. "The Rule states that, in every evaluation, EPA 'will determine whether [a] chemical substance presents an unreasonable risk ... under each condition of use[.]' ... Consequently, the Rule creates a material risk that EPA will determine that individual chemical uses do not present unreasonable risk, even where the uses, in combination, do."

The brief notes that Alaska Community Action on Toxics (ACAT), another group challenging the rule, is harmed by multiple exposures of HBCD that EPA will not consider cumulatively. "HBCD is used in multiple products -- e.g., electronics, furniture, insulation -- and released into the environment from multiple activities ... Once emitted, HBCD travels far, persists in the environment, and accumulates in larger animals." ACAT members "are exposed to HBCD when they use HBCD-containing products and when it travels to the Arctic and accumulates in animals and plants they eat for subsistence. Household dust and subsistence fish may each be contaminated by multiple conditions of use. Thus, to accurately assess risk to ACAT members, EPA must analyze the combined exposures resulting from all conditions of use."

Again citing scoping documents, the petitioners argue "under the Rule, when EPA assesses risk from each condition of use in isolation, and fails to evaluate the combined risk from all conditions of use, it will underestimate ACAT members' actual exposure and associated risk. This presents a material risk that EPA will fail to accurately determine whether HBCD as a whole presents an unreasonable risk of harm, particularly to vulnerable groups, such as Arctic residents."

Greenwire

Powerful industry group begins courtroom drawdown

<https://www.eenews.net/greenwire/stories/1060489351/search?keyword=EPA>

Ellen M. Gilmer, E&E News reporter

The Utility Air Regulatory Group is beginning to extract itself from high-stakes air litigation, moving yesterday to withdraw from at least two cases.

The influential industry coalition last month announced plans to disband and slowly wind down its participation in ongoing legal fights. For decades, UARG has represented electric utilities on the battlefields for nearly every major air regulation proposed by EPA.

Yesterday, it asked the U.S. Court of Appeals for the District of Columbia Circuit to dismiss it from a case involving EPA's regulation of mercury and other hazardous air pollutants.

UARG and other industry petitioners had challenged the Obama administration's finding that it was "appropriate and necessary" to crack down on mercury and air toxics at power plants despite implementation costs.

Murray Energy Corp. and other industry parties will remain in the case in UARG's absence. It's currently on hold while the Trump administration considers changing course on the mercury determination (Greenwire, Dec. 28, 2018).

UARG also bowed out yesterday of litigation involving EPA's recent reinterpretation of "New Source Review" requirements for polluters. Environmentalists sued the Trump administration over the change, and UARG joined with other industry litigants to defend the approach (Greenwire, June 5, 2018).

UARG — which does not publicly disclose its members — is housed in the powerful law and lobbying firm Hunton Andrews Kurth LLP. In recent years, it faced rising allegations of asserting undue influence on federal policy, especially after the ascension of former Hunton lawyer Bill Wehrum to EPA's top ranks.

At least a half-dozen utilities exited the group this year, an exodus widely attributed to increased scrutiny of the group. In a statement announcing its plans to disband, UARG cited emissions reductions and stable electricity costs as reasons for declining membership.

UARG is still a party to dozens of active federal lawsuits.

Earth Justice

<https://earthjustice.org/news/press/2019/trump-s-epa-rule-says-factory-meat-farms-shouldn-t-report-their-toxic-air-pollution>

Trump's EPA rule says animal production operations shouldn't report their toxic air pollution

06/04/19

Animal production operations would be able to bypass mandatory reporting requirements that exist to protect rural communities from breathing polluted air

Washington, D.C. —

Today, Environmental Protection Agency (EPA) Administrator Andrew Wheeler signed a final rule that codifies an unlawful exemption for industrial animal production operations to bypass mandatory air toxics reporting requirements that exist to protect rural communities from breathing polluted air. EPA tries to justify this exemption by writing into the Emergency Planning & Community Right-to-Know Act (EPCRA) an exemption that Congress enacted in a separate statute, the Comprehensive Environmental Response,

Compensation, and Liability Act (CERCLA). Notably, when enacting this amendment, Congress made clear that it did not in any way alter reporting requirements under EPCRA.

The following statement is from Carrie Apfel, a staff attorney for Earthjustice's Sustainable Food and Farming Program:

“Through this rule, EPA is allowing meat factories to avoid reporting their toxic air emissions to state and local authorities despite a clear statutory mandate to do so. The rule is illegal, and an affront to rural communities that have every right to know what's in the air they breathe. Earthjustice has been challenging EPA's guidance and will fight this rule, too.”

Background

Earthjustice is currently challenging a previous guidance that exempted Concentrated Animal Feeding Operations (CAFOs) from requirements to inform state and local officials about releases of dangerous levels of pollutants into the air as required by EPCRA. In an earlier related case, the U.S. Court of Appeals for the District of Columbia Circuit held that EPA's exemption of these large animal production facilities was illegal under EPCRA and CERCLA; Congress later amended CERCLA to allow the exemption. Earthjustice is representing a number of clients, including Rural Empowerment Association for Community Help, Animal Legal Defense Fund, Center for Food Safety, Don't Waste Arizona, Environmental Integrity Project, Food & Water Watch, Humane Society of the United States, Sierra Club, Sound Rivers, and Waterkeeper Alliance.

CAFOs are industrial livestock operations that concentrate large numbers of animals and their waste. The vast majority of livestock operations in the United States are not affected by the reporting requirement since they are ranches or pasture operations that generally are not covered “facilities” or smaller animal feeding operations that are not likely to emit hazardous substances at levels that trigger reporting requirements. But the fewer, largest CAFOs commonly do emit dangerous quantities of toxic gases. Emissions generated from animal waste at CAFOs are highly toxic and harm communities across the country. Exposure to ammonia and hydrogen sulfide released from the highly concentrated animal waste produced at CAFOs causes a multitude of health problems, including, but not limited to, respiratory problems, nasal and eye irritation, headaches, nausea, and even death.

Chemical Watch

<https://chemicalwatch.com/78366/us-epa-denies-aluminium-industrys-tsca-reporting-petition>

US EPA denies aluminium industry's TSCA reporting petition

06/05/19

The US EPA has denied two aluminium industry petitions for partial exemptions from reporting requirements under the TSCA chemical data reporting (CDR) rule.

Received by the agency in late January, the Aluminium Association's petitions had argued that aluminium and aluminium oxide are of "low current interest" and therefore should be partially exempt from the quadrennial reporting scheme.

This was a follow-up to a similar 2003 request, which the EPA denied in 2011.

But in a 30 May response denying the petitions, the EPA said it has determined there is "continued interest in these substances due to potential concern from workers' inhalation of fume or dust forms of aluminium and from potential impacts on aquatic organisms."

The agency said that the CDR rule – which requires manufacturers and importers to provide information on the production and use of chemicals used in large quantities – addresses existing data gaps for exposure information. Risk-screening information complementary to the CDR "is not sufficient or does not exist", it said.

Furthermore, it said that there appears to be new or emerging uses of aluminium and aluminium oxide, which necessitates continued reporting. It therefore denied the request.

The EPA did, however, recognise concerns raised in the petitions about inaccurate reporting. Specific examples of this, were cases where businesses may be reporting aluminium when they should instead be reporting an aluminium compound, and inaccuracies around the substance's use in children's products.

The agency said it would consider addressing these concerns in updates to CDR guidance, ahead of the 2020 reporting cycle.

POLITICO Pro

Wheeler promises better relationship with SAB but sidesteps tensions

<https://subscriber.politicopro.com/article/2019/06/wheeler-promises-better-relationship-with-sab-but-sidesteps-tensions-3366877>

By Alex Guillén

Administrator Andrew Wheeler promised today to improve EPA's relationship with its Science Advisory Board but sidestepped several questions from members about changes made to the agency's rule-making procedures.

SAB provides "important advice," Wheeler told a meeting of the group before outlining plans to bring rule-makings to SAB's attention earlier, provide full briefings on major rules and boost cooperation with other advisory committees.

But several members raised concerns with EPA's recent science work.

Steve Hamburg of the Environmental Defense Fund challenged Wheeler's decision to get input from another advisory committee, the Clean Air Act Advisory Committee, instead of SAB for its rule-makings rolling back methane restrictions on oil and gas wells. CAAAC is "not a substitute for scientific input," he said.

Wheeler replied that EPA is working to create a process to ensure that "we are involving the SAB as early as we can in the regulatory rulemaking process." He also said EPA cannot "go back and reopen some of the regulations that we've already done."

Barbara Morrissey, the chair of the separate Children's Health Protection Advisory Committee who attended the SAB meeting, raised concerns about EPA's science transparency rule, asking "whether the best available science could be ignored because it can't be replicated," such as epidemiological studies conducted when the population was exposed to higher pollution levels.

Wheeler said he was "shocked" by the number of public comments on the transparency proposal and that he hasn't made any final decisions. But he said the rule includes a provision giving the administrator "discretion" to include such studies.

Bloomberg Environment

Wheeler Seeks to Make Amends with EPA's Science Advisers

<https://news.bloombergenvironment.com/environment-and-energy/wheeler-seeks-to-make-amends-with-epas-science-advisers>

By Sylvia Carignan

- Wheeler to involve SAB quickly in proposed rules
- Board sought more involvement in science transparency rule

EPA Administrator Andrew Wheeler wants to move "as quickly as possible" to patch up the agency's relationship with its scientific advisers by asking for their feedback sooner in the regulatory process, he said June 5.

"We have not utilized you in the ways that we should. We can and will do better," he said to members of the Environmental Protection Agency's Science Advisory Board at their regular meeting in Washington, D.C. June 5.

The board, whose members advise the administrator on the technical underpinnings of agency actions including regulations, was left in the dark under Wheeler's predecessor when the agency developed and released its proposal for increasing transparency in the science used for regulations.

The board learned of the rule through an April 25, 2018, press event, the board wrote to former EPA Administrator Scott Pruitt.

Wheeler said the agency will provide the board with "more rapid and frequent briefings" on proposed rulemakings, among other changes.

Bernie Goldstein, former EPA assistant administrator for the Office of Research and Development and a former chair of EPA's Clean Air Scientific Advisory Committee, warned the board that the agency was still likely to make changes without the advisers' input.

"EPA leadership has decided where they want to go," he said via teleconference at the meeting.

John Bachmann, former associate director under EPA's Office of Air Quality Planning and Standards, said the agency's decision not to tell the board about the proposed science transparency rule was wrong.

“EPA not only broke the spirit of the established procedure” but also violated the law, he said via teleconference at the meeting.

The proposed rule (RIN:2080-AA14) would determine which scientific studies the agency could consider while drafting new regulations. It would have multiple parts, including provisions encouraging research to be as transparent as possible to allow independent validation, and protecting sensitive data that the agency may review, such as confidential business information, intellectual property, and patient records.

Wheeler is seeking the board’s advice on handling those types of sensitive data.